

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: December 7, 2011
SUBJECT: **CONDITIONAL USE PERMIT NO. 11-022 (LANDMARK LIQUOR BEER AND WINE TASTING)**
LOCATION: 8491 Atlanta Avenue, 92646 (northwest corner of Atlanta Avenue and Newland Street)

Applicant: Keith Gardner, 6149 Bluffwood Drive, Riverside, CA 92506

Property Owner: Multani Enterprises, 8491 Atlanta Avenue, Huntington Beach, CA 92646

Request: To establish and operate an approximately 250 sq. ft. on-site beer and wine tasting area within an existing 8,000 sq. ft. liquor store.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG-FP2 (Commercial General – Flood Plain 2)

General Plan: CN-F1 (Commercial Neighborhood – 0.35 Floor Area Ratio Max.)

Existing Use: Liquor Store

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves no expansion in the overall floor area of an existing liquor store.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-022:

1. Conditional Use Permit No. 11-022 for the establishment and operation of an approximately 250 sq. ft. on-site beer and wine tasting area within an existing 8,000 sq. ft. liquor store will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The

proposed alcohol consumption is not anticipated to generate noise, traffic, parking or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. Residential uses to the north and west of the subject site are buffered from the existing building by 6 ft. high perimeter blockwall, a 15 ft. wide drive aisle along with one row of parking to the north, and a 26 ft. wide drive aisle along with two rows of parking to the west. The storefront and entrance are oriented toward Atlanta Avenue, away from nearby residences. The consumption of alcoholic beverages will be for sampling purposes and shall be contained within a delineated tasting area inside the liquor store.

2. The conditional use permit will be compatible with surrounding uses because the onsite consumption of alcoholic beverages will be ancillary to an existing retail commercial use (liquor store) and will occur entirely within the interior of a commercial building.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the use in the district in which it is located. The liquor store conforms to applicable site development requirements including minimum setbacks, minimum landscaping, and minimum onsite parking. The onsite consumption of alcoholic beverages is permitted within the CG (Commercial General) zoning district with the approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General (CG) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed beer and wine tasting will be ancillary and incidental to an existing approved retail establishment. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. Based upon the operational conditions imposed, the beer and wine tasting is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-022:

1. The floor plan received and dated October 19, 2011 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The onsite service and consumption of alcoholic beverages shall be permitted between the hours of 4:30 PM and 8:30 PM on Thursdays and Fridays, and between the hours of 2:00 PM and 8:30 PM on Saturdays.
 - b. The onsite service and consumption of alcoholic beverages shall be limited to the designated tasting area. All persons under 21 years of age are prohibited in the tasting area during tasting events. **(PD)**
 - c. Live entertainment shall be prohibited without the approval of a conditional use permit. **(PD)**
 - d. The onsite service and consumption of alcoholic beverages shall be limited to the conditions contained in the Alcoholic Beverage Control Board (ABC) Type 86 License (Instructional Tasting License for Off-Sale Licensees). **(PD)**
 - e. Prior to the service of alcoholic beverages, a copy of the ABC license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. CUP No. 11-022 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.